



Jan

REVISED

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Occidental Chemical Corporation
and Tierra Solutions, Inc.
Two Tower Center Boulevard, Floor 10
East Brunswick, New Jersey 08816

Attention: Dave Rabbe
Director, Environmental Remediation
Tierra Solutions, Inc.

Re: Diamond Alkali Superfund Site, Lower Passaic River Study Area Removal
Administrative Order on Consent, Index No. CERCLA 02-2008-2020
Bill for Collection No. 2721226S008

Dear Mr. Rabbe:

The United States Environmental Protection Agency (EPA) is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9601 et seq. EPA has documented the release or threat of release of hazardous substances into the Lower Passaic River Study Area of the Diamond Alkali Superfund Site. In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions to investigate and control such releases and threatened releases at the site pursuant to Section 104 of CERCLA.

On June 23, 2008, EPA entered into an Administrative Order on Consent (Order), Index No. CERCLA 02-2008-2020, with Occidental Chemical Corporation (OCC) and Tierra Solutions, Inc. (TSI). Pursuant to Paragraph 51 of this Order, OCC and TSI agreed to reimburse EPA for all Future Response Costs related to this Order incurred by the EPA after the issuance of this Order. This Bill for Collection No. 2721226S008 covers the period from February 1, 2010 through June 30, 2011.

Enclosure A to the Bill for Collection is a narrative statement describing EPA's oversight and response costs. Enclosure B consists of three itemized cost summaries, referred to as Superfund Cost Recovery Package Imaging and On-Line System (SCORPIO\$) reports, for your review. One SCORPIO\$ report is enclosed for Operable Unit (OU) 02, covering the period of February 1, 2010 through June 30, 2011 (\$ 423,974.33). For the purposes of the SCORPIO\$ reports, OU

03 represents the expansion of the CERCLA investigation from the six-mile Passaic River Study Area to the seventeen-mile Lower Passaic River Restoration Project and OU 04 represents the Newark Bay Study Area.

The other two SCORPIO\$ reports enclosed are for OU 00, covering other billable costs for the periods from February 1, 2010 through September 1, 2010 and from September 1, 2010 through June 30, 2011. The SCORPIO\$ reports time periods are split up to maintain consistency with concurrent work going on at the Site covered under other agreements which were billed for these time periods under separate cover. Some personnel charged their time to OU 00 to represent time spent equally on OUs 01, 02, 03 and 04. Therefore, the OU 00 costs have been apportioned among OU 01, OU 02 (Occidental Chemical Corporation [OCC]/Tierra Solutions, Inc. [TSI] Removal and OCC/TSI Combined Sewer Overflow/Storm Water Overflow Sampling), OU 03 (CPG-lead RI/FS and EPA-lead work) and OU 04 as described in the enclosure. While all OU 00 charges are included in the SCORPIO\$ reports for OU 00 that appear in Enclosure B, this Bill for Collection includes only those costs that EPA has apportioned to OU 02. For example, Environmental Services Assistance Teams Expenditures and their associated indirect costs included in the OU 00 SCORPIO\$ reports were not apportioned to this OU 02 Bill and will be apportioned to Bills for other Operable Units.

EPA certifies that as of June 30, 2011, it has expended at least \$ 467,965.67 in oversight and response costs relating to the Lower Passaic River Study Area removal during the time period covered by this bill.

As per Section XVI of the Order, payment shall be made within thirty (30) days of receipt of this letter into EPA's account at the Federal Reserve Bank via electronic funds transfer ("EFT"). To effect this payment, you should instruct your bank to remit payment in the required amount via EFT using the following information:

- Amount of payment: **\$ 467,965.67**
- EFT to be directed to: **Federal Reserve Bank of New York**
- Bank routing number: **021030004**
- Bank account number receiving payment: **68010727**
- SWIFT address: **FRNYUS33**
- Address: **Federal Reserve Bank of New York**
- **33 Liberty Street**
- **New York, NY 10045**
- Field Tag 4200 of the Fedwire message to read:
- **D 68010727 Environmental Protection Agency**
- Name of remitter: **Occidental Chemical Corporation and Tierra Solutions, Inc.**
- Case Number: **CERCLA 02-2008-2020**
- Site name: **Diamond Alkali Superfund Site**
- Site/Spill Identifier: **02-96**

To ensure that your payment is properly recorded, you must send an e-mail or a letter, within one week of the EFT, which references the date of the EFT, the payment amount, the name of the Site, the case number, and your name and address to:

Elizabeth Butler, Remedial Project Manager
Emergency & Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 19th floor
New York, New York 10007-1866
butler.elizabeth@epa.gov

and

Patricia Hick, Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
hick.patricia@epa.gov

and

Richard Rice
United States Environmental Protection Agency
26 W. Martin Luther King Drive
Attention: FINANCE
MS: NWD
Cincinnati, Ohio 45268
rice.richard@epa.gov and AcctsReceivable.CINWD@epa.gov

The United States reserves its rights to recover any costs incurred during the time period covered by this accounting but not included in this billing, and all other oversight and response costs incurred pursuant to the Administrative Order on Consent.

EPA reaffirms its commitment to conduct appropriate and cost-effective oversight of work performed by consenting parties while ensuring protective cleanups. To this end, EPA would once again like to offer to discuss with you its plans for the oversight of ongoing work at the Site, and to provide you with the opportunity to suggest ways to effectively streamline the work and its oversight.

If you have any questions regarding this matter, please contact Elizabeth Butler of my staff at (212) 637-4396. Legal inquiries should be directed to Ms. Patricia Hick, of the Office of Regional Counsel, at (212) 637-3137. Thank you for your prompt attention to this matter.

Sincerely yours,

Ray Basso, Lower Passaic River Project Director
Emergency & Remedial Response Division

Enclosures

cc: Paul Bluestein, Tierra Solution, Inc.

bcc: E. Butler, ERRD
P. Hick, ORC
L. Peterson, ERRD (w/enclosures)
C. Kercado, OPM-FMB (w/enclosures)
J. Koechley, ERRD (w/enclosures via e-mail)
R. Rice, EPA Cincinnati Finance Center (w/enclosures via e-mail)

**REVISED
ENCLOSURE A**

**Summary of Costs Incurred by EPA
2/1/10 through 6/30/11
Diamond Alkali Superfund Site, Newark, New Jersey
Operable Unit Two – Lower Passaic River Study Area Removal
Site ID: 02 96**

Payroll

These costs consist of direct EPA personnel charges for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent (Order), Index No. CERCLA 02-2008-2020. See also Payroll Costs sections of EPA's Oversight SCORPIO\$ Report for OU 02.

\$ 215,762.98 + 1,025.75

\$ 216,788.73

Travel

These costs consist of charges paid by EPA employees for travel costs in overseeing work performed under the Order. See also Travel Costs sections of EPA's Oversight SCORPIO\$ Report for OU 02.

\$ 836.30 + 1,239.73

\$ 2,076.03

Interagency Agreement

These costs consist of charges incurred by the EPA for Interagency Agreement (IAG) contracts. The total represents the amounts spent under the contracts with the Coast Guard for field oversight of sampling and with the Army Corps of Engineers for technical review of design-related deliverables submitted pursuant to the Order. See also IAG sections of EPA's Oversight SCORPIO\$ Report for OU 02.

\$39,236.44 + 75,023.16

\$ 114,259.60

Other Expenditures

These costs consist of charges for contractor support for file storage and maintenance by GRB Environmental Services, Inc. See also OTH section of EPA's Oversight SCORPIO\$ Report for OU 02.

\$ 1,592.79

Miscellaneous

These costs consist of charges for the bus services provided to the Community Advisory Group for their site visit during the removal design phase in March 2010.

\$ 255.00

Indirect

These costs consist of disbursements which are necessary for the operation of the Superfund Program and the support of Site cleanup efforts but which are not direct Site costs (i.e., not disbursements recorded in individual Superfund site accounts in EPA's Financial Management System). Indirect costs are allocated to particular Superfund sites by means of a methodology established by the EPA Headquarters. See also Indirect Costs section of EPA's Oversight SCORPIO\$ Report for OU 02.

\$ 89,002.18

Payroll and associated Indirect Costs from OU 00 reports

The OU 00 SCORPIO\$ reports include payroll and associated indirect costs for OU 01, OU 02 (OCC/TSI Removal and OCC/TSI Combined Sewer Overflow/Storm Water Overflow Sampling), OU 03 (EPA-lead work and CPG-lead RI/FS) and OU 04. Therefore, these costs were divided evenly among the six components.

$[(\$ 10,634.17 + 4,098.39 \text{ indirect}) + (\$ 11,803.47 + 3,136.20 \text{ indirect})] \div 6$ **\$ 4,945.37**

OU 00 costs not associated with this bill

"Environmental Services Assistance Teams" costs consist of data validation services by Alion Science and Technology Corporation. Since these services were not used for EPA oversight activities under OU 02 Removal, these costs are not included in this bill.

Technical Assistance Grant and associated Indirect Costs from OU 00 reports

These costs are related to the Passaic River Coalition grant. Each of the vouchers was reviewed to determine the amount of work performed under this AOC.

Voucher 1/27/10: (Site Amount \$ 1,273.64 + 490.86 indirect) * 0.15	\$ 264.68
Voucher 1/27/10: (Site Amount \$ 672.49 + 259.18 indirect) * 0.15	\$ 139.75
Voucher 4/28/10: (Site Amount \$ 2,236.05 + 861.77 indirect) * 0.40	\$ 1,239.13
Voucher 7/27/10: (Site Amount \$ 2,438.55 + 939.82 indirect) * 0.20	\$ 675.67
Voucher 1/18/11: (Site Amount \$ 998.63 + 265.34 indirect) * 0.50	\$ 631.99
Voucher 2/17/11: (Site Amount \$ 3,546.38 + 942.27 indirect) * 0.40	\$ 1,795.46
Voucher 6/13/11: (Site Amount \$ 3,881.88 + 1,031.42 indirect) * 0.50	<u>\$ 2,456.65</u>
<i>Subtotal Passaic River Coalition costs</i>	\$ 7,203.33

Other Expenditures and associated Indirect Costs from OU 00 report

These costs consist of charges for contractor support for file storage and maintenance by GRB Environmental Services, Inc. and associated indirect costs for OU 01, OU 02 (OCC/TSI Removal and OCC/TSI Combined Sewer Overflow/Storm Water Overflow Sampling), OU 03 (EPA-lead work and CPG-lead RI/FS) and OU 04. Therefore, these costs were divided evenly among the six components.

$(\$ 948.74 + 252.07 \text{ indirect}) \div 6$

\$ 200.14

Other Expenditures and associated Indirect Costs from OU 00 report

These costs consist of charges for contractor support for Community Advisory Group (CAG) facilitation by Systems Research & Applications Corp and associated indirect costs for CAG meetings covering OU 02 (OCC/TSI Removal) and OU 03 (EPA-lead work). Therefore, these costs were divided evenly between the two.

$(\$ 50,000 + 13,285.00 \text{ indirect}) \div 2$

\$ 31,642.50

Bill for Collection Amount

\$ 467,965.67



REVISED
United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

BILL FOR COLLECTION		BILL NO. 2721226S008
BUREAU/OFFICE FOR REMITTANCE PAYABLE USEPA - REGION II SUPERFUND PAYMENTS - CINCINNATI FINANCE CENTER		DATE December 22, 2011
ADDRESS FOR MAILING PAYMENT P.O. BOX 979076, ST. LOUIS, MO 63197-9000		AMOUNT OF PAYMENT

PAYER

Occidental Chemical Corporation
and Tierra Solutions, Inc.
Two Tower Center Boulevard, Floor 10
East Brunswick, New Jersey 08816

Attention: Dave Rabbe
Director, Environmental Remediation
Tierra Solutions, Inc.

Re: Diamond Alkali Superfund Site
Lower Passaic River Study Area Removal
Administrative Order on Consent, Index No. CERCLA 02-2008-2020

DATE	DESCRIPTION	QUANTITY	UNIT PRICE	
			COST	PER
	Monies due the Hazardous Substance Trust Fund (Treasury) for cleanup of hazardous waste spills on sites. Site ID# 02-96 Payment due within 30 days of the receipt of this bill. If payment is not received by this date, a daily interest charge of 0.0020% (0.74% per annum) will be assessed from the first day after the payment is overdue through the date of payment.		\$ 467,965.	67

IMPORTANT: A receipt will be issued for all cash remittances and for all other remittances when required by applicable procedures.
Failure to receive a receipt for cash payment should be promptly reported to the bureau or office shown above.

AMOUNT DUE \$ 467,965. 67